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PREPARATION OF A POLICE MANUAL

What is a police operating manual? How is a police manual prepared? What sources are available for development of a manual, and what should be covered by the manual?

A good police manual is an important tool in the management and administration of the modern law enforcement organization. When properly prepared, maintained, and used, it will contribute considerably to efficient operation and to the morale of the agency.

A large number of law enforcement agencies now operate without a manual of any kind, or with antiquated, obsolete manuals of rules and regulations. Some police administrators question the value of a manual with the argument that a manual is not worth the time and effort necessary for its preparation and maintenance. Perhaps the problem is illustrated best by a brief survey of law enforcement officials which brought the following responses:

Question: Do you have rules and regulations for your department in manual form?

Answer: Yes. We had a book that was prepared in 1932 by a former Mayor. I have not been able to find it for some time.

Answer: No, none. I make the rules and tell them.

Question: Do you set down methods and procedures in manual form which will guide your officers in their work?

Answer: No. I tell them. Why, I get out of bed to help them. I don't want them to know too much or they'll be cutting my throat for my job.

Question: Would a manual which describes all procedures and methods aid you and your department?

Answer: I think it might be a good idea if I started one tomorrow. Where can I get one?

Answer: Yes. It sure would help me. I would be able to guide the men better. I would keep it locked up and use it for myself only.

The purpose of this report is to first define what is meant by a manual; second, to emphasize its advantages and objectives; and, third, to discuss the preparation and content of a police manual. This report is based largely on the experience of the Oak Park, Illinois, Police Department in developing and using its manual.

What Is a Manual?

A manual details and defines the rules, regulations, policies, and procedures which guide the police department. It establishes a systematic plan of operations to meet over-all objectives at minimum operating cost. A good manual covers all major aspects of the police department's functions. It is issued to every police officer.

The manual in effect documents the administrative philosophy of the organization. It clearly defines lines of responsibility and authority, sets forth the organizational structure, and guides individual members of the department in the performance of their work. The manual serves the officer as the lawbook serves the judge.

Single Manual or Series of Manuals? A large percentage of police manuals in the past contained only the rules and regulations relating to personal conduct, duty time, and so on. Some departments eventually added a manual covering general policies and organization. Also departments issued orders detailing methods of operation. Thus, in effect, many departments have several manuals.

The present trend is to include operation procedures, rules and regulations, and general policy in one manual. Procedures, techniques, and regulations adopted by the administrative head of a department are generally issued as orders. Whether the order covers duty time or methods of responding to calls, conformity is required. In separate manuals, one for operating policies and methods, and one for rules and regulations, there is some danger that the procedure manual will lose identity as rules for operation and will not be as effective in obtaining compliance. This report concentrates on the one-manual approach.

The Manual Is of Great Value!

As society has grown in activity and complexity, so have the duties and responsibilities of police organizations. The mounting costs of municipal government are no less reflected in the police budget than in other municipal functions. It is necessary to use all available means to improve service with existing resources. The police manual is one tool for improving service standards. The manual will help in accomplishing a number of objectives.

1. Recording Decisions. The police chief is constantly making decisions which affect the operations and functions of the department. In many instances such decisions are reflected in directives, techniques, and procedures placed into effect that often are of lasting value if documented in a departmental manual.

2. Training. A great deal of specific knowledge is involved in the work of the policemen. In handling an argument he must know something about psychology. When making criminal investigations he must know laws of arrest and laws of evidence. He must know the methods used by criminals. In handling sick and injured he must have knowledge of first aid. He must know how to practice good public relations. The officer's know-how must be extremely broad in many subjects if he is to be effective in his work.

The police manual serves two purposes in training. First, it is a ready reference for every employee and officer, regardless of rank. The contents tell how to handle situations and problems confronted by policemen in their day-to-day work. Police training by word of mouth and from memory can no longer be depended upon in the varied and complex problems of law enforcement.

Second, police service will not be considered a profession until such time as well-developed training programs are provided for officers, comparable to those that prepare persons for other recognized professions. Techniques and procedures must be transferred from the experienced to the inexperienced by a planned, systematic program. A well-prepared manual, including methods and procedures as well as rules, should be the basic textbook for a departmental training program.

3. Consistency of Law Enforcement. Regardless of the size of the department, the techniques and procedures used by the officers in their various tasks should be consistent. A manual defining policies, procedures, and techniques will be of considerable assistance in obtaining this desired consistency and uniformity.

In failing to establish guides, rules, and standards of procedure, the organization must depend upon individual decisions and judgement. Each officer will adopt his own philosophy. The methods of handling persons and situations will vary considerably. For example, if the police organization establishes a certain fair tolerance to be allowed by officers arrests for automobile speeding, all officers are required to conform to the set tolerance. If the department fails to establish a set tolerance by directive, some officers will be too liberal while others will be too strict. This inconsistency will lead to organization criticism and result in a most unhealthy situation.

4. Power and Discretion of Police Officers. Police officers are vested with power to enforce law and order. These powers can be abused unless there are specific guide lines which confine the

power within a framework of proper use. The police manual assists in providing this framework. Police organizations must be the first line of defense in the protection of individual rights.

5. Employees' Right To Know. Employees have the right to know what is expected of them. They need a well-defined, written set of rules and procedures. They have the right to know what standards of conduct and work procedures will assist them toward promotion, and they have the right to know the penalties they must face if they fail to conform to organization standards.

Employee morale is an important factor in good administration. There is no faster method of developing poor morale than in having different rules for different employees. In this respect the manual is extremely important as it clearly defines the rules which govern all members.

6. Discipline. When an agency fails to establish and publish rules, policies, and procedures defining standards of conduct and proficiency, each employee will establish his own set of rules and work habits. Without published rules and procedures there will be no foundation for administering discipline uniformly. The police manual provides a means of evaluating the effectiveness of employees based on established standards.

7. Efficiency. Generally well informed employees are more efficient. The manual becomes a most important vehicle of explaining the philosophy of the rules and procedures. Employees who understand the over-all objectives and problems of the organization will tend to become a part of the team. For example, the Oak Park manual in describing procedures and methods of interrogation explains the emotional factors affecting the person being interrogated. The following excerpt illustrates this point:

A suspect who is emotionally upset at the time he is interrogated usually is anxious to justify his actions and the officers may sympathize with him and condemn the victim, an accomplice, or anyone else who might possibly share responsibility for the crime.

For example, officers might say to a statutory rape suspect, "She's a good looking girl for her age. No wonder you went for her." Or, an inexperienced suspect teamed up with a habitual criminal in a robbery might be asked, "Wasn't the whole business your partner's idea?"; or — "You look like a smart kid; how did you get mixed up with a bum like that?"

A suspect who can place blame for his crime on someone else is often more cooperative in giving the information sought. This technique should be used cautiously as the suspect may become angry and defend the accused person rather than blame him — so "feel your way cautiously."

Writing the Manual

If the manual is to accomplish the objectives discussed, preliminary planning is necessary. The preliminary planning covers a variety of subjects discussed in the following sections. Careful thought must be given to the general content of the manual, establishment of priorities, and assignment of responsibilities.

Pitfalls. In developing a manual certain basic pitfalls should be avoided. First, department officials should not prepare a manual in haste. A poor manual will not result in the advantages discussed but may have adverse effects. Actual time required will vary depending on the size of the department and manpower available, but a work schedule should be prepared as a guide.

Second, when work begins employees have a tendency to immediately visualize the finished product. They can be discouraged by the seemingly monumental amount of time and effort they believe will be necessary to complete the task. It is important that those who are directly connected with the project realize that as each section is completed and approved it can be put into effect at once. As the manual progresses, enthusiasm grows and apprehensions as to the largeness of the task diminish. The staff gains experience as procedures are prepared, adding considerably to the quality and to the progress of the work.

Third, no matter how well prepared the manual may be, if provision is not made to regularly revise and include new material, it will become obsolete in a short time. The obsolete manual is obviously useless, and the initial effort expended in development is wasted. Criminals are constantly

looking for ways to "outsmart the law." New procedures to combat new criminal methods must be included if the manual is to have continuing value.

Assignment of Responsibility. Primary responsibility for the development or revision of a manual lies with the police chief. Without his backing no manual will accomplish its objectives. Further the rules, regulations, procedures, and policies in the manual must be approved by the chief as departmental policy. Finally, if the pitfalls mentioned are to be avoided the chief must make sure that the project is not relegated to a position of low priority.

Obviously the chief seldom has time to do the work. He must delegate this responsibility. Such delegation should be to someone who is involved in over-all planning activities in the department. In very large departments the development and maintenance of a manual might be a full-time task, as in Los Angeles. Smaller departments can assign the function to the officer in charge of training, personnel, or some other staff service.

Preliminary drafts of all manual contents must be prepared and written, and certain qualifications are necessary. The person assigned should have a broad knowledge of police functions and activities. He must be able to define and write procedures and rules so they are clear and understandable. He must have the time to write and prepare the material.

The assignment of one person does not mean that he operates in a vacuum. An experienced administrator involves as many people as possible in developing rules, regulations, and procedures. The process of planning, evaluating, and exchanging ideas crystalizes material to be included. When employees are asked to participate, the manual is looked upon as "our manual" instead of the "department manual."

A number of individuals within the department can contribute to the preparation and maintenance of a manual.

1. Training Personnel. Personnel assigned to in-service police training can be of great assistance. In 1955, the Oak Park Police Department established a training committee of two commanding officers, four supervisory officers, and two line officers. The committee is charged with the responsibility of seeking out and identifying all weaknesses and deficiencies of service and recommending the training necessary to correct or improve the deficiencies. The experience of the training committee proved to be extremely valuable in the revision and preparation of the Oak Park manual, particularly in methods, techniques, and procedures.

For example, a line officer reported to the committee that patrolmen did not understand the proper procedure for responding to emergency police calls such as a call for "burglars there now." After discussion the training committee recommended that training should be given on the subject of "Responding to Emergency Police Calls." Training material developed formed the basis for a procedure item in the manual on responding to emergency calls.

2. Staff Personnel. Another excellent source of material is staff meetings of command officers. In staff meetings problems are discussed, and the discussion promotes understanding leading to solutions. Many of these problems are raised initially by patrolmen. Group solutions incorporated in the manual can contribute to the morale of the department and make the procedures and techniques of the manual more acceptable to all.

3. Officers with Special Training. All officers who have received the benefit of special training in police work should be called upon to assist in the preparation of procedures and methods in their specialties. Of particular value are officers who have attended the National Academy of the Federal Bureau of Investigation; the Traffic Institute of Northwestern University; and other special schools such as the Southern Police Institute in Louisville, Kentucky.

4. Officers with Outstanding Work Records. Officers who are outstanding in particular phases or problems of police activity can give assistance in preparing procedures and techniques in their specialized fields. For example, in the preparation of the Oak Park manual, an officer who had an outstanding record of burglar arrests was enlisted to assist in preparing procedures for proper methods of patrol.

Source Materials. The use of departmental personnel, as important as it is, must be

supplemented by source materials on police operation. Such material is voluminous. Thus the person assigned primary responsibility for preparation and maintenance of the manual must be alert to each small item that will assist. The problem is not locating material, but sorting and evaluating its worth. Some good sources are as follows:

1. General and Special Orders. It is important to review all general and special orders that were issued over a number of years. Also the contents of the existing manual, if any, should be examined and analyzed for use in the new manual. Many of these items only need to be rewritten to include advanced and improved methods.
2. Training Materials. All material that is used in departmental training should be examined and analyzed as to its appropriateness.
3. Newspaper Stories. Another good source is newspaper accounts of crime stories, particularly those that tell the story of how the law enforcement officers apprehended the criminals. Many of these stories point out some small act by the law enforcement officer that was responsible for the apprehension of the criminal. This method of examining news stories is particularly valuable in the maintenance of the manual. From such stories are found successful methods which can be added to the manual. Another example is newspaper stories of riots and mob action in many parts of the world. These stories describing the actions of the mob and the actions of the police, provide information which will aid in developing procedures for handling riots or mobs.
4. Successful Police Actions. Another source is the development of critiques of successful police investigations and methods. When the Federal Bureau of Investigation receives information of an outstanding investigation, agents will gather all facts regarding the investigation, and they are documented for future use.
5. Police Publications. A number of police books, magazines, and special reports are helpful in preparing a manual. The publications which Oak Park found helpful are listed in Appendix A.
6. Manuals of other Police Departments. Manuals from other departments are useful as guides. Such manuals can indicate the types of topics that should be included. A number of cities have good police manuals. Besides the Oak Park manual, the police departments of San Jose and Berkeley, California; Cincinnati, Ohio; and Decatur, Peoria, and Evanston, Illinois, are worth review.

Review. No procedures, methods, or techniques should be incorporated in the manual without complete approval and review by the unit which it affects. For example, certain procedures are set down to govern investigative methods and procedures. Then certainly the unit responsible for such investigations should review the material that it will be required to follow. An excellent method of developing, revising, and reviewing material is to assign the task to a division or unit leader. With the assistance of the personnel of the unit, he can prepare and submit recommendations applicable to his unit to be incorporated in the manual.

After the staff has reviewed each completed section, it is necessary for the police chief to give final approval. Such approval makes the regulations or procedures departmental policy unless approval from the city manager or higher authority is needed. When all sections are prepared and approved, the manual is organized and indexed.

Printing. The manual may be stencil duplicated or printed. It should be in loose-leaf form to facilitate additions, deletions, and amendments. If loose-leaf, the paper used should be linen bound on the ring edge to prevent tearing. Permanent binding prohibits additions and revisions and is the least satisfactory.

The manual can be of any size which will best fit organization use, but pocket size is the least desirable. When it contains all of the essential material it cannot be printed in pocket size except with very small type.

Contents of the Manual

The subjects covered and the amount of detail are influenced by the size of the department. In large departments personal contact between administrative, supervisory, and line officers is

limited. Therefore, in the large department, policy and procedure must be clearly defined for many functions and activities.

It is impossible to present here a complete police manual, but Appendix B, a reprint of the Table of Contents of the Oak Park manual, clearly indicates the many subjects that should be considered in developing a manual. The following discussion covers the major areas that should be included in the manual.

1. Introductory Material. The first page states the legal authority for the manual. Such authority is found in state laws, city charters, and local ordinances which govern the operations of the police department. The police chief indicates that this manual is official, and usually the chief administrative officer of the city indicates his approval.

Next is a preface explaining that the rules and procedures set down in the manual were compiled and published for the guidance of department personnel. It also is wise to include an introduction stressing the importance of all personnel being completely familiar with the manual. The introduction should establish the tenor of the manual. The introduction of the Oak Park manual states in part:

In order to perform their duties properly, it is essential that officers and employees of the department familiarize themselves thoroughly with all rules pertaining to their respective ranks and positions.

A police officer should remember that in the execution of his duties, he acts not for himself but for the public. His appointment is in no sense for his own advantage. The entire law regulating his functions hinges upon this principle. He is required to be governed by no feelings, save zeal to do what the law commands. He should never allow passions to urge him to brutality, fear, favoritism, or sympathy to seduce him illegally to leniency or neglect of duty.

2. Definitions. Terms should be defined clearly to minimize misunderstanding. For example, the term "supervising officer" can be defined as "An officer of a rank higher than an employee affected." Other terms that are defined in the Oak Park manual are "General Order," "Special Order," "Administrative Regulation," and "Administrative Instruction."

3. Organization. The general organization of the police department is defined, setting down the functions of the various divisions and units of the department. The manual should include an organization chart, clearly indicating the chain of command from the police chief to the patrolman. The basic responsibilities of each rank should be delineated. It is most important that each rank be aware of what is expected and required of them and what is expected of the ranks above and below.

4. Communications. Effective radio communications are vital to police operations. Therefore, it is necessary that procedures and techniques be defined in detail in the manual. Information on dispatching messages, giving descriptions, types of messages, and so on should be included. Figure 1 illustrates Oak Park's instruction on describing persons over the radio.

5. Juvenile Offenders. In recent years a great deal of attention has been given to the problem of juvenile delinquency. Perhaps no other police responsibility has been subject to as much discussion as the nature of the duties of the police in this area. As yet there appears to be no common understanding as to the proper police approach to the problem. Is it primarily one of rehabilitation and eliminating the causes? Or is one more traditionally associated with police work of prevention and apprehension? Because of the confusion that exists, it is of importance that the police manual set forth the department's philosophy and procedures in handling juvenile cases. The Oak Park manual makes clear the responsibility of the juvenile officer, policies governing the detention of juveniles, and handling complaints involving juveniles.

6. Rules and Regulations. Rules and regulations governing the actions and the conduct of all employees are extremely important. The manual sets down the rules in precise detail so that each employee will be aware of just what he is expected to conform to in all situations.

The subjects cover many areas of personal conduct. The Oak Park manual begins with a general statement of policy. Sections are included on duty hours, reporting for duty, accepting rewards, and acceptance of gifts. The material is detailed and explicit, leaving no doubt as to the

STANDARD DESCRIPTIONS OF PERSONS

ALWAYS GET IN THIS ORDER
OMIT ANY ITEM YOU DO NOT HAVE

START

1. NAME
2. COLOR
3. SEX
4. AGE
5. HEIGHT
6. WEIGHT
7. HAIR
8. EYES
9. COMPLEXION
10. PHYSICAL
MARKS, SCARS
LIMP, ETC.

MEMORIZE THE SEQUENCE !

USE IT ON THE AIR, ON
THE TELEPHONE, AND IN
TAKING DESCRIPTIONS.

GET IT ON THE AIR !
SECONDS COUNT

FINISH

II. CLOTHING
HEAD TO FOOT

- A. HAT
- B. SHIRT OR TIE
- C. COAT
- D. TROUSERS
- E. SOCKS
- F. SHOES

DONT TALK TOO FAST !
THE OTHER MAN HAS TO
COPY IT

BREAK FREQUENTLY !
ON LONG DESCRIPTIONS

JOHN DOE

Figure 1 — Instructions on Description of Persons, Oak Park, Illinois, Police Manual

responsibility of the officer for his personal conduct. The detail and clarity are illustrated by this statement: "When in uniform, on duty, or otherwise, an officer shall not lean against a fireplug or building, or assume a loafing attitude. He shall keep his coat buttoned at all times; his hands out of his pockets, whether engaged in conversation or otherwise."

7. Disciplinary Action. This section describes the methods and procedures which the department will take in disciplinary action and the penalties for failure to conform to the rules and regulations, state laws, or local ordinances.

8. General Methods and Procedures. A police manual should contain rules governing "how to do it techniques." This is the section that is most difficult to prepare. An endless number of methods might be included. Further, the writing of this section is more difficult because it is necessary to distinguish between those methods that are always required, and those that the officer must use with discretion. It is this material that is the most useful for departmental training. Some typical areas covered by the Oak Park manual are as follows.

a. Proper Methods of Patrol. Patrolling is the first line of defense in a police organization. Therefore, the proper methods should be described in detail.

b. Responding to Police Calls. The best methods of responding to police calls are described. The emphasis is on safety of the officers and the best methods of apprehension.

c. Operation of One-Man Squad Cars. The manual describes the safest methods and procedures of stopping suspicious persons in automobiles and stopping pedestrians.

d. Legal Powers and Duties of the Police Officer. The legal powers and duties of the police officer are defined in detail. This is an extremely vital part of the manual for it serves as a quick reference.

e. Statements and Confessions. The best methods, procedures, and forms for obtaining criminal statements are described in detail. Many criminals have been found not guilty when statements or confessions failed to conform to legal requirements. Therefore, it is very important that the officers know and have available the best methods and techniques of statements and confessions.

f. A Typical Example. To illustrate the type of material that should be included under the section on general methods and procedures the instructions on processing fugitives from justice in the Oak Park manual are printed in full in Appendix C.

9. Employee Evaluation Methods. An employee, to understand and appreciate supervisory evaluations of his work, should know the methods used in making judgments. The section should go beyond the mere relating of how often an employee is evaluated; by whom; and on what form. The manual should cover also such topics as basic principles of rating, common errors in rating, and the purposes of formal rating systems.

A Final Word

The preparation of a police manual is a major task. As indicated in the introduction to this report there are those police administrators who do not believe the effort worth while. The advantages of the manual have been presented to overcome this reaction. But perhaps the most convincing argument for the development of a police manual is the experience of the Oak Park Police Department in its use. Oak Park's experience is significant because it is neither a very large or very small department. What has that experience been?

First, officers have started to adopt the methods and procedures outlined as tools of their profession. Many officers, in using the recommended procedures, have been more successful in their work. They have gained a new respect and appreciation for "know-how."

Second, officers who were reluctant to ask questions of supervisory officers have found the answers to their questions in the manual. Some officers have requested procedure material for problem areas which were not in the manual.

Conversely, officers who asked questions continually and continued asking questions after distribution of the manual were advised that the answer to their questions were in the manual. These officers soon learned to refer to their manual before asking a question.

Third, as the duties and responsibilities of rank are clearly defined, set down and fixed, a considerable amount of "buck passing" has been eliminated.

Fourth, the manual has become the textbook for training. Officers who have had the opportunity to study the contents while attending classes have received much high grades on test papers.

Fifth, supervisors who find violations of the rules and regulations call attention to the manual chapter and section covering the violation. This causes the officers to go to the manual to ascertain what rule or regulation he has violated. This procedure has contributed to a growing knowledge and familiarity of departmental operating procedure.

Sixth, officers' written reports have improved considerably. The reports reflect the officers' knowledge and use of the methods and procedures as set down. Their reports describe each incident or situation in a more standard form and more in the terms used in the manual.

Finally, Oak Park officers are telling officers in other communities about "our manual." In fact, they are boasting about the techniques and procedures that guide them in their work. This has resulted in a large number of requests for copies from other police departments.

Acknowledgment: Grateful acknowledgment is made to Captain Fremont Nester of the Oak Park, Illinois, Police Department for preparing this report. In writing this report Captain Nester has drawn on his experience in preparing the manual of rules, regulations, policies, and procedures of the Oak Park department. Captain Nester has been a professional police officer with the Oak Park department since 1925. At present he is Captain of Personnel and Director of the Detective Division. He is a graduate of the National Academy of the Federal Bureau of Investigation, and he has taken special courses from the Traffic Institute of Northwestern University.

Appendix A

PUBLICATIONS FOUND USEFUL IN PREPARING A POLICE MANUAL FOR OAK PARK, ILLINOIS

1. International City Managers' Association. *Municipal Police Administration*. (Chicago: The Association, 5th ed., 1961.) 545pp. \$7.50.
2. International City Managers' Association. *Supervisory Methods in Municipal Administration*. (Chicago: The Association, 1958.) 302pp. \$7.50.
3. Los Angeles Police Department. *Daily Training Bulletin*. (Springfield, Illinois: Charles C Thomas.) Vol. 1, 1954. \$7.50. Vol. 2, 1958. \$8.50.
4. Robert L. Donigan and Edward C. Fisher. *Know the Law*. (Evanston, Illinois: Traffic Institute of Northwestern University, 1958.) 442pp. \$7.
5. Robert L. Donigan and Edward C. Fisher. *The Evidence Handbook*. (Evanston, Illinois: Traffic Institute of Northwestern University, 1958.) 205pp. \$5.
6. Governmental Research Institute. *One-Man Police Patrol Car Operation; A Report to the Board of Police Commissioners of St. Louis, Missouri*. (St. Louis: The Institute, 1957.)
7. Bernard C. Brannon, "A Report on One-Man Police Patrol Cars in Kansas City, Missouri," *The Journal of Criminal Law, Criminology, and Police Science*, July-August, 1956, pp. 238-252.
8. Several periodicals often contain articles that are helpful in preparing rules, procedures, and methods for inclusion in the manual: *F. B. I. Law Enforcement Bulletin* (monthly), Federal Bureau of Investigation; *Traffic Safety* (monthly), National Safety Council; and *Police* (quarterly), Charles C Thomas.

Appendix B

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INSTRUCTIONS ON FUGITIVES FROM JUSTICE,
OAK PARK, ILLINOIS, POLICE MANUAL

Wanted in Oak Park

If the offense has been committed in Cook County, outside the City of Chicago, the warrant may be obtained from any Justice of the Peace or Police Magistrate, or if in a municipality that has a municipal court, then the warrant can be obtained from the Judge of said court.

When the warrant is obtained, a certified copy of it should be sent to the place where the fugitive is supposed to be. If the warrant has been obtained from a Justice of the Peace or a Police Magistrate, the certification is obtained from the County Clerk, 2nd floor of the County Building, who will attach a slip to the warrant, certifying that the Justice of the Peace or the Police Magistrate is a duly qualified officer. If the warrant is obtained from the Municipal Judge, the Clerk of the Municipal Court will certify that the Judge is a duly qualified officer and that the copy is a true copy. The Judge will also certify that the Clerk is also duly qualified.

In the Village of Oak Park, the Judge and the Clerk of the Municipal Court are familiar with this practice. In obtaining the warrant, it is absolutely necessary that the complaint or information be sworn to before the Judge or Justice of the Peace, and *not* the Clerk. The federal law requires that in all extradition cases, there must be an affidavit sworn to before a Judge or Justice of the Peace, or an indictment.

In addition to the complaint or information, the State's Attorney's office will prepare an affidavit for the complainant or someone who knows that the fugitive was in Illinois. This affidavit must also be sworn to before the Judge or Justice of the Peace. This requirement does not apply when there is an indictment.

When the fugitives have been arrested in the asylum State (the State to which the fugitives have fled) the case will be set down on a Fugitive warrant for the purpose of allowing time to obtain a Governor's warrant.

The arrest for the fugitive is obtained by sending a certified copy of the warrant and the complaint or information to the police department or sheriff's department in the location where the fugitive is supposed to be. When obtaining the warrant, the original and four copies certified, as outlined above, are necessary. One copy is sent as authority for the apprehension of the fugitive. The other three copies are to be used as part of the extradition papers, for obtaining the Governor's warrant.

Appendix C (con't)

The extradition papers are made up in the Extradition Department in the office of the State's Attorney. There are three sets prepared. Each set of papers includes one certified copy of the warrant and the complaint. The papers are then transmitted by the State's Attorney's office to our Governor. When the Governor issues his warrant, it is sent to the official who apprehended the fugitive. He is requested to notify either the State's Attorney's office or the police department, which caused the fugitive's arrest, that the Governor's warrant has been received, and as to whether or not the fugitive will waive extradition. If he will not, then the case is set down for a hearing and we are then notified.

The officer assigned to return the fugitive should not go for him until notified to do so by the State's Attorney's office. When the officer gets to the location where the fugitive is in custody, if any complications arise, he should communicate with the Extradition Department of the State's Attorney's office by wire or telephone, if the circumstances require it. This, however, rarely happens. In some cases, word will be received that the fugitive has waived extradition, but the officer should not proceed to return him until the Governor's warrant has been obtained.

This is especially true in cases where the fugitive has been arrested at some distance away; because the prisoner can at any time repudiate his waiver and file habeas corpus proceedings to fight extradition. Hence, if the officer was there without a Governor's warrant, he would have to return and then proceed to get a Governor's warrant.

If the prisoner is making a fight in court, it is sometimes necessary to send one or more witnesses to testify. This must all be arranged before the officer leaves. If the fugitive has been indicted, then the State's Attorney takes care of having all papers made up. The indictment and capias are used instead of a warrant and complaint.

If a fugitive has been apprehended in Washington, D. C., the rules there require that a witness accompany the officer unless the fugitive waives extradition. Their rules also require a payment of \$10.00 in every case before a prisoner is turned over to an officer.

Fugitives From Other States Who Have Taken Refuge in Illinois

In most cases of fugitives from other states, the warrant is received by our police department which makes the arrest and obtains a Fugitive Warrant, continuing the hearing on a fugitive warrant long enough for the demanding state to obtain a Governor's warrant. A communication is sent to the official who sent the warrant, advising of the arrest and the date to which the fugitive hearing has been continued. That official is also notified not to send an officer here until he is advised that the fugitive is going to fight extradition.

The Extradition Department of the State's Attorney's office will take charge of the case and will represent the demanding State, and will do whatever is necessary.

It is sometimes necessary to obtain from our Secretary of State a certified copy of the extradition papers to present in court when there is a contest. If this happens, we notify the officials in the demanding State to that effect and advise them that it will be necessary to obtain these papers and that they will have to pay the cost of the same. This may run from \$5.00 to \$10.00. A copy of the certified papers is admissible in evidence, hence the reason for obtaining them.